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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,448	12/30/1999	David Johnston LYNCH	RCA-89-385	6337

7590

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EXAMINER
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CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/22/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,448

Applicant(s)

LYNCH, DAVID JOHNSTON

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 3/4/04 have been fully considered but they are not persuasive. The applicant argues on pages 6-7 of the response that Collings neither discloses nor suggests creating "at least one override list including select programs having a rating above a set rating for blocking programs applicable to said viewer profile such that said select programs included in said at least one override list are unblocked". The examiner respectfully disagrees with this assertion. Collings discloses the blocking option can completely disable the blocking function of the apparatus (column 17, lines 1-7). Collings discloses the option on the menu can disable or temporarily disable the blocking features (column 17, lines 8-32; figure 5B); the override list in figure 5B has a ratings, channels, programs, TV times, and allowance overrides so the programs that are above a ratings threshold will be unblocked and the programs below a ratings threshold will be blocked, which meets the limitation on the supervisor system operable by the supervisor to create at least one override list applicable to the viewer profile such that the select programs included in the at least one override list are unblocked. Collings discloses one of the options opens a menu 80 that can block by ratings, channel, program, times, and allowance (column 17, lines 33-48; figure 5C) and the setup menu (figure 5C) can open up subsequent menus (column 18, lines 20-64; figures 5D-5I). Collings discloses the user can set and save acceptable thresholds (column 17, line 49-column 18, line 4).

The applicant goes on to argue that the claimed invention is an override list whereby any programs determined to be on the override list **automatically** disables the blocking feature whereas Collings requires direct action by the user. The examiner respectfully disagrees with

Art Unit: 2611

this assertion. In order to better ascertain what the applicant is claiming, the examiner has read the claims in light of the specification. The applicant discloses the invention permits the **supervisor to enter** one or more temporarily revised limits or permit specific programs to be viewed (page 5, lines 1-13; page 5, lines 14-24; page 5, lines 25-31; page 6, lines 1-7; page 7, lines 1-12; page 7, lines 29-35, etc. of the applicant's specification); the portions of the applicant's specification cited after the first section include the fact the supervisor must enter information to override the system, thus after reading the claims in light of the specification, the applicant's claimed invention is no different than the Collings reference. Furthermore, the limitation of automatically is not even mentioned in the claim. However, even if the limitation of automatically were in the claim, the claimed feature of automatically is no different than what Collings teaches when the claim is read in light of the specification.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatically) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant goes on to argue the rejections under section 103 on pages 7-8 of the response and states that because neither Collings nor West discloses nor suggests "at least one override list including select programs having a rating above a set rating for blocking programs applicable to said viewer profile such that said select programs included in said at least one override list are unblocked". Since the examiner has proven that Collings teaches the limitations

Art Unit: 2611

as stated by the examiner above, the combination of Collings in view of West for claims 18 and 20 stand as rejected for the reasons stated below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 10-17, 19, 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (US Patent # 5,828,402).

Regarding claim 10, Collings discloses an incoming video signal has encoded information relating to the ratings of the video program (column 2, line 66-column 3, line 16). Collings discloses the incoming video signal may be delivered using satellite, cable, etc. and the apparatus 20 receives the signal and provides the signal to television 22 (column 3, lines 17-31), which meets the limitation on a video signal processor for producing an output signal suitable for coupling to a display device to produce a plurality of images for display to at least one viewer.

Collings discloses if the information encoded in the signal matches the user preferences stored in memory, then the apparatus 20 blocks the video and audio signal from being displayed (column 3, lines 5-16). Collings discloses the user can use a remote control to generate preferences stored in the apparatus 20 and the data is compared to the incoming signal (column 16, lines 19-28). Collings discloses the user enters a PIN or access code to get to the options menu to set the preferences for the system (column 16, lines 50-67). Collings discloses one of

Art Unit: 2611

the options opens a menu 80 that can block by ratings, channel, program, times, and allowance (column 17, lines 33-48; figure 5C), which meets the limitation on a supervisor control system operable by a supervisor to create at least one viewer profile identifying images to be blocked from display to at least one viewer.

Collings discloses the blocking option can completely disable the blocking function of the apparatus (column 17, lines 1-7). Collings discloses the option on the menu can disable or temporarily disable the blocking features (column 17, lines 8-32; figure 5B); the override list in figure 5B has a ratings, channels, programs, TV times, and allowance overrides so the programs that are above a ratings threshold will be unblocked and the programs below a ratings threshold will be blocked, which meets the limitation on the supervisor system operable by the supervisor to create at least one override list applicable to the viewer profile such that the select programs included in the at least one override list are unblocked. Collings discloses one of the options opens a menu 80 that can block by ratings, channel, program, times, and allowance (column 17, lines 33-48; figure 5C) and the setup menu (figure 5C) can open up subsequent menus (column 18, lines 20-64; figures 5D-5I). Collings discloses the user can set and save acceptable thresholds (column 17, line 49-column 18, line 4).

Regarding claim 11, Collings discloses one of the options opens a menu 90 that can block by program (column 17, lines 8-32).

Regarding claim 12, Collings discloses one of the options opens a menu 90 that can block by channel (column 17, lines 8-32).

Regarding claim 13, Collings discloses one of the options opens a menu 90 that can block by viewing times (column 17, lines 8-32).

Art Unit: 2611

Regarding claim 14, Collings discloses the user may disable operation of one or more features from a list that includes: ratings, programs, etc. (column 17, lines 20-32), which meets the limitation on the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked at and least one other image not blocked according to the viewer profile is blocked.

Regarding claim 15, Collings discloses the blocking option can be temporarily disabled for a selected period of time (column 17, lines 1-7). Additionally, Collings discloses the override list can be selected (figure 5B) and the user can enable and disable features on the list (column 17, lines 20-32), which meets the limitation on the override list temporarily applied to at least one viewer profile.

Regarding claim 16, Collings discloses the channel block has been suspended for an hour (column 17, lines 20-32), which meets the limitation on the override list is applied for a period of time specified by the supervisor.

Regarding claim 17, Collings discloses the system can disable or temporarily disable features of blocking by the features that include: ratings, channels, programs, allowance, time, etc. (column 17, lines 20-32; figure 5B), which meets the limitation on the override list includes at least one override selected from the group comprising at least one channel override, at least one time period blocking override, at least one rating blocking override, at least one program override, at least one total view time override.

Regarding claim 19, Collings discloses the system can disable or temporarily disable features of blocking by the features that include: ratings, channels, programs, allowance, time, etc. (column 17, lines 20-32; figure 5B), which meets the limitation on the control system

Art Unit: 2611

operable by the supervisor to create a plurality of override lists applicable to the at least one viewer profile.

Regarding claim 21, Collings discloses the video signals may be output from apparatus 20 or from a VCR and apparatus 20 can be built into the television but also may be a stand-alone unit (column 3, lines 17-30), which meets the limitation on the supervisor control system for producing an output signal includes at least one item selected from the group comprising: television receiver, set top box, VCR tuner.

Regarding claim 22, Collings discloses the viewer is shown a display of the blocking status based on the override list (figure 5B).

Regarding claim 23, the limitations in claim 23 have been met in claim 10 rejection.

Regarding claim 24, Collings discloses the user preference information is stored in non-volatile memory 58 (column 13, lines 7-25; column 16, lines 35-40).

Regarding claim 25, the limitations in claim 25 have been met in claim 16 rejection.

Regarding claim 27, the limitations in claim 27 have been met in claim 11 rejection.

Regarding claim 28, the limitations in claim 28 have been met in claim 12 rejection.

Regarding claim 29, the limitations in claim 29 have been met in claim 13 rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



2. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings in view of West (US Patent # 5,550,575).

Regarding claims 18, 20, as previously disclosed in claim 10 rejections, Collings discloses the multiple overrides. Collings discloses the user preference for viewing (column 3, lines 2-16).

Collings fails to disclose multiple viewer profiles. West discloses PINs for each member of a household (column 5, lines 3-19). West discloses the multiple profiles so the user may decide what level is permissible for each family member so that the censorship is applicable to different age groups (column 5, lines 30-40). West discloses overrides to select the ratings for viewing (column 7, lines 29-40). Additionally, West discloses the parents can override the program ratings (column 14, lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Collings to have a plurality of profiles as taught by West so the parent can specify the level of viewing for each member of a household that has different age groups.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2611


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER